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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,835	06/27/2000	Sadik Bayrakeri	19880-001210	6538

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EXAMINER

SLOAN, NATHAN A

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/09/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/604,835

Applicant(s)

BAYRAKERI ET AL.

Examiner

Nathan A Sloan

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Advisory Action

1. Applicant's arguments filed 1/23/04 have been fully considered but they are not persuasive.

With respect to claim 1, applicant asserts that Brown fails to teach providing a control message from one part of its interactive communication system to another. Applicant agrees that "it is respectfully submitted that the provided evidence [indicates] a connection being terminated at step 530 of Brown...." With reference to Fig. 4, it is seen that processor 410 and network interface 425 are clearly separate "parts." As previously noted by the examiner in col. 5 the processor determines available bandwidth and may transmit a presentation until a timer expires at which point the transmittal is ended (step 530). Processor 410, however, does not directly store the video segments. As taught in col. 4:6-13 the processor controls servicing of requests. Data vault interface 430 reads out the data to be transmitted *in accordance with the control determinations* made by processor 410 which allows data to be provided to buffered network interface 425. Transmission of a control message from the processor to the network interface is encompassed by the concept at step 530 of Fig. 5 to perform this termination of transmission by the processor. Thus, in order for processor 410 to terminate transmission at 530, a control message must be provided to stop retrieval of data from the vault and subsequent delivery. If no control message was provided from processor 410 upon expiration of the timer to indicate termination, data would continue to be transmitted in accordance with the request and bandwidth allocation.

Applicant further states that "even if such a control message were generated, it has nothing to do with releasing bandwidth for transmitting a video sequence." Applicants claim

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recites in part “indicating whether a transport stream may be discontinued by said transport stream generator to release bandwidth.” By stopping transmission of a transport stream from network interface 425, *bandwidth is released*. Applicant next asserts that “such control message cannot be for *indicating a release* of bandwidth because bandwidth *allocation* is practiced before the timing is begun or a decision of whether the time interval for selection has occurred.” The relevant section of claim language recites *releasing bandwidth* not *allocating bandwidth*. That is, while Brown clearly makes bandwidth allocation determination prior to timer expiration, the release of bandwidth is a direct result of the timer expiring at step 530 to stop transmission of data. If the timer is not expired sufficient bandwidth remains and the video sequence continues to be transmitted for presentation.

Applicant then asserts that Girard, Hendricks, examiner’s Official Notice, and Aharoni fail to make up for the alleged deficiency of Brown. This is moot in view of the response to applicant above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

NAS



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600